

### REMARKS

Claim 13 has been rewritten in independent form, incorporating all of the limitations of claims 1, 2, 46, and 12, from which claim 13 depends. Claim 13 has also been rewritten to more smoothly integrate these limitations. Claims 1, 2, 46, and 12 have accordingly been cancelled.

Claims 45 and 47 have been cancelled to expedite prosecution. Applicants reserve the right to pursue claims similar or identical to these claims in one or more continuation applications claiming priority to the instant application.

Claims 4, 8, 9, 11, 13-16, and 19-23 remain pending in the application.

### Information Disclosure Statement

Applicants thank the Examiner for considering the Information Disclosure Statement mailed June 25, 2003.

Applicants respectfully repeat their request for a signed copy of the Information Disclosure Statement filed October 28, 2002. It appears that the signed Information Disclosure Statement was inadvertently omitted from the Office Action mailed February 25, 2003.

### Rejections under 35 U.S.C. §103(a)

Claims 1, 2, 4, 8, 9, 11-16, 19-23, and 45-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO99/54786 in view of Singhvi, et al., U.S. Patent No. 5,776,748 ("Singhvi") and over Singhvi in view of WO99/54786.

As an initial matter, Applicants note that independent claim 1 had previously been amended to recite "applying cells through a channel within the masking system."

Applicants do not see where in either WO99/54786 or Singhvi is a method for patterning cells including pre-coating a mask with a second agent such that a first surface is free of the agent while a second surface and channels within the mask are pre-coated by the agent, applying the mask to a surface of an article, applying a first agent through channels within the mask to a first portion of the surface of the article, and applying cells through the channels within the mask to the first portion of the surface of the article. WO99/54786 discusses elastomeric masks for device fabrication, but does not suggest pre-coating a portion of the mask. Singhvi discloses a

stamp for patterning cells on a surface, but also does not suggest or disclose a mask, much less a pre-coated mask.

The Office Action also states that "a biological agent would have been suggestive and motivational to one of ordinary skill in the art for the use of cells within a masking system. Cells possess and have biochemical interactions and this knowledge is well within the purview of an ordinary artisan." Applicants respectfully disagree. The presence of a biochemical interaction in a system does not inherently suggest the use of cells. For example, an enzyme, operating on a substrate, can be considered to be a biochemical interaction, but that does not inherently suggest to one of ordinary skill in the art that an enzyme can operate on a cell. To form a *prima facie* case of obviousness, the Patent Office must do more than simply claim that a general teaching exists; instead, the Patent Office must show where it is taught or suggested that a biological agent can be replaced by a cell within a masking system.

Applicants therefore believe that the instant invention is patentably distinct over Singhvi in view of WO99/54786 and vice versa, and Applicants respectfully request that the rejection be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,  
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